HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.17039 of 2007

Date: 20.8.2007

Between:

P. Aniketh and another

….Petitioners

and

The Sub-Registrar, Madurawada,
Visakhapatnam and another

….Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.17039 of 2007

O R D E R:

The 2nd respondent is the mother of the petitioners. She executed separate gift deeds dated 4.8.2006, donating two items of property in favour of the petitioners herein. Subsequently, she executed deeds of revocation on 7.6.2007, revoking the transfers by way of gifts made by her.

The petitioners challenge the action of the 2nd respondent in accepting the deeds of revocation for registration, as documents bearing Nos.2521 and 2522 of 2007 and seek necessary consequential declarations.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Having executed two gift deeds in favour of her children, the 2nd respondent had revoked them in less than one year. The circumstances under which the revocation has taken place are not before this court. On behalf of the petitioners, it is contended that the petitioners are minors and any revocation could have taken place only with the permission of a competent civil court.

Whatever the permissibility of the other kinds of transfers, vis-à-vis the properties held by minors, a gift made in their favour stands on

a different footing. Section 126 of the Transfer of Property Act permits revocation of gifts, once made. It is, no doubt, true that the right of a donor to revoke a gift deed is circumscribed by certain conditions. The question as to whether the conditions that enable the revocation of a gift deed existed in the instant case or not, cannot be adjudicated in the writ petition. Further, the 1st respondent is not conferred with the power to decide the validity or otherwise of the revocation. If the petitioners feel aggrieved by the revocation, they have to approach the competent civil court and avail the remedies.

Therefore, the writ petition is dismissed leaving it open to the petitioners to workout the remedies in a civil court. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

20.8.2007
cvm